

**14324. Misbranding and alleged adulteration of coffee. U. S. v. 10 Drums of Coffee. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20893. I. S. No. 9829-x. S. No. C-4983.)**

On February 22, 1926, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 drums of coffee, remaining in the original unbroken packages at San Augustine, Tex., alleging that the article had been shipped on February 11, 1926, by the Cuban Coffee Mills, Shreveport, La., and transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Packed by Cuban Coffee Mills, Shreveport, La. 60 Lbs. Net S. P. B. Blend."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of chicory, which had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and in that chicory had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "S. P. B. Blend" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 6, 1926, the Cuban Coffee Mills, Shreveport, La., having appeared as claimant for the property, a decree of the court was entered, adjudging the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, conditioned that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

**14325. Misbranding of meat and bone scraps. U. S. v. 500 Sacks and 500 Sacks of Meat and Bone Scraps. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20987, 20988. I. S. No. 10805-x. S. No. W-1944.)**

On March 31, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 1,000 sacks of meat and bone scraps, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Mutual Rendering Co., from Philadelphia, Pa., February 6, 1926, and transported from the State of Pennsylvania into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Misbranding of the article was alleged in the libels for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 15, 1926, the Globe Grain & Milling Co. and the Anderson-Smith & Hamilton Co., both of San Francisco, Calif., having appeared as claimants for respective portions of the property, and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,107.25, conditioned in part that it be brought into conformity with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

**14326. Misbranding of cottonseed meal. U. S. v. 300 Sacks and 300 Sacks of Cottonseed Meal. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20842, 20843. I. S. No. 9459-x. S. No. C-4948.)**

On February 9, 1926, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 600 sacks of cottonseed meal, remaining in the original unbroken packages in part at Jonesboro, Tenn., and in part at Telford, Tenn., alleging that the article had been shipped by the Tuscumbia Cotton Oil Co., Tuscumbia, Ala., November 17, 1925, and transported from the State of Alabama into the State of Tennessee, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Triangle Brand

Cotton Seed Meal \* \* \* Guaranteed Analysis Protein 41.00% Fibre 10.00%."

Misbranding of the article was alleged in the libels for the reason that the statement "Protein 41.00%, Fibre 10.00%," borne on the label, was false and misleading and deceived and misled the purchaser, since the protein content of the said article was less than 41 per cent.

On March 19, 1926, the Tuscumbia Cotton Oil Co., Tuscumbia, Ala., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled to show its true nature and character.

W. M. JARDINE, *Secretary of Agriculture.*

**14327. Adulteration and misbranding of almond paste. U. S. v. 14 Cases of Almond Paste. Default order of destruction entered. (F. & D. No. 20786. I. S. No. 668-x. S. No. W-1657.)**

On or about January 22, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 cases of almond paste, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the American Almond Products Corp., New York, N. Y., about November 21, 1925, alleging that the article had been shipped from New York, N. Y., in interstate commerce into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Invincible Brand Almond Paste Flavored With 5% Bitter Kernels \* \* \* Southern California Supply Co. \* \* \* Los Angeles, Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a kernel paste other than almond, had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce, lower, and/or injuriously affect its quality and/or strength.

Misbranding was alleged for the reason that the statement borne on the label "Almond Paste Flavored With 5% Bitter Kernels" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article. It was further alleged in the libel that the article was misbranded, in that it was labeled so as to deceive or mislead the purchaser owing to a failure to declare for whom packed or by whom distributed.

On May 27, 1926, no claimant having appeared for the property, judgment of the court was entered, ordering destruction of the product.

W. M. JARDINE, *Secretary of Agriculture.*

**14328. Adulteration and misbranding of butter. U. S. v. Swift & Co. Plea of nolo contendere. Fine and costs, \$75. (F. & D. No. 19748. I. S. No. 6427-x.)**

On March 1, 1926, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Swift & Co., a corporation, trading at Nashville, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about June 30, 1925, from the State of Tennessee into the State of Georgia, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Package) "Brookfield Creamery Butter \* \* \* Swift & Company S J. S. A."

Analysis by the Bureau of Chemistry of this department of 6 samples from the shipment showed an average of 77.49 per cent of milk fat.

Adulteration of the article was alleged in the information for the reason that a substance which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, to wit, "Creamery Butter," borne on the packages and parcels containing the article, was false and misleading, in that the said statement represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, and in that the said statement was borne on the